UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

LONG MECHANICAL, INC.,

and

Cases 7-CA-52917 7-CA-53146 7-CA-53200

LOCALS 98 AND 636, UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY OF THE UNITED STATES AND CANADA, AFL-CIO

ORDER DENYING MOTION FOR RECONSIDERATION

On August 9, 2012, the National Labor Relations Board issued a Decision and Order¹ in this proceeding, granting the Acting General Counsel's motion for default judgment based on the Respondent's breach of an informal settlement agreement. Specifically, the Board found that the Respondent's broad general denial that it breached the settlement agreement was insufficient to raise an issue of material fact warranting a hearing. On August 31, 2012, the Respondent filed a motion for reconsideration. On September 14, 2012 and September 18, 2012, respectively, the Acting General Counsel and the Charging Party Union each filed an opposition to the Respondent's motion.

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¹ 358 NLRB No. 98.

In its motion, the Respondent contends that the Board committed material error by failing to consider information pertaining to its compliance with the settlement agreement that was contained in the exhibits attached to the Acting General Counsel's motion for default judgment.

The Respondent's argument is without merit because, as noted by the Acting General Counsel and the Charging Party, the Respondent does not argue that it presented any of its alleged specific responses to the motion for default judgment to the Board.² Although these documents were attached to the Acting General Counsel's motion for default judgment, the Respondent did not rely on them in its responses to the Board and never referenced or cited them in any manner. Further, these documents are obviously not newly discovered or previously unavailable. Having duly considered the matter, we find that the Respondent's motion is lacking in merit and fails to present "extraordinary circumstances" warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.

IT IS ORDERED, therefore, that the Respondent's motion for reconsideration is denied.

² The Respondent relies on *Vocell Bus Company*, *Inc.*, 357 NLRB No. 148 (2011), as support for its motion for reconsideration. However, *Vocell* is distinguishable because unlike here, the respondent in that case did not generally deny that it had breached the settlement agreement, but instead specifically asserted how it complied with the agreement.

Dated,	Washington,	D.C.,	September 27, 2012.	
				Brian E. Hayes, Member
			Richard F. Griffin,	Jr., Member
			Sharon Block,	Member
(SEAL)			NATIONAL LABC	R RELATIONS BOARD